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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,332	04/06/2001	Michael Kelbaugh	723-1081	6939

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EXAMINER
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RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
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2191

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,332

Applicant(s)

KELBAUGH ET AL.

Examiner

Satish S. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This action is in response to the communication filed on 12/27/2004.
2. The claim objection to claim 48 due to double period at the end of the claim is withdrawn in view of applicants' amendment.
3. Due to applicants' provided document that Reference Zeh (publication no. 2002/0021272) is owned by the same assignee (Nintendo of America, Inc.) at the time of invention was made, therefore, Reference Zeh is withdrawn from the rejection.
4. Claims 1-80 are pending.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8, 14-16, 18, 20-26, 28, 29, 35-37, 39-48, 54-56, 58, 60-69, 75-77, and 80 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,167,358 to Othmer et al., hereinafter called Othmer.

**Per claim 1-6, 18, 21-26, 39, 41-47, and 58:**

Othmer disclose:

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- A method for processing and monitoring software bug related information for use in software package development (col. 2, lines 30-33 “a system and method for remotely monitoring a plurality of computer-based systems is provided which detects defects (bugs) or the usage of particular functions in a software application”) comprising the steps of:
  - accessing an Internet browser (col. 1, lines 25-27 “With the Internet, the process... testing requires... developer place the beta software application on its web site”);
  - accessing a bug tracking system using said Internet browser (col. 9, lines 5-7 “the server may interface with, communicate and share data with one or more existing bug tracking”);
  - processing user identification information including a password (col. 13, lines 59-60 “The server uses the user ID to associate static information with a particular client machine”); and
  - accessing, in response to said user identification information (col. 14, lines 7-9 “The server uses the user ID to associate static information with a particular client machine and to keep a record about a particular user”), at least one bug tracking related menu tailored to the user's role in the software development process (col. 9, lines 5-15 “server... communicate and share data with one or more existing bug tracking and customer service databases 66... server... include an automatic electronic mail (E-mail) report generator 68 and a query tool 70... database 66 stores the processed information... customer problems and data about current bug problems within certain software applications so that the developer can track current bugs and trends in customer service calls”).

**Per claims 7 and 28:**

The rejection of claim 1, and 21 is incorporated, respectively, and further, Othmer disclose:

- accessing a master bug log identifying a plurality of bugs in a selected software package under development (col. 6, lines 55-60 “based on the large amount of black box information (e.g., the black boxes from the thousands of client computers that are using the beta browser software and have a nub), what caused the crash (i.e., a user error, a web site error or a bug) and then provide, for a bug, a patch to each of the client computers running the new browser software”).

**Per claims 8, 29, and 48:**

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer disclose:

- accessing a database and retrieving data indicative of a plurality of bugs in a selected software package (col. 6, lines 55-60 “based on the large amount of black box information (e.g., the black boxes from the thousands of client computers that are using the beta browser software and have a nub), what caused the crash (i.e., a user error, a web site error or a bug) and then provide, for a bug, a patch to each of the client computers running the new browser software”); and
- sorting the bugs based upon any one of a plurality of sorting criteria selected by a user (col. 5, lines 28-30 “each data element in a black box... have a timestamp associated with it... user of the system... determine a sequence of events that occurred prior to a triggering event”).

**Per claim 14-16, 35-37, and 54-56:**

The rejection of claim 1, 21, and 41 is incorporated, respectively, and further, Othmer disclose:

- transmitting a bug related message (col. 5, lines 11-12 “data gathered by the nub may be collected into a "black box" data structure 44 that may be transmitted over the communications link to the server”) using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package (col. 9, lines 5-15 “server... communicate and share data with one or more existing bug tracking and customer service databases 66... server... include an automatic electronic mail (E-mail) report generator 68 and a query tool 70... database 66 stores the processed information... customer problems and data about current bug problems within certain software applications so that the developer can track current bugs and trends in customer service calls... E-mail report generator 68 sends reports to the developer containing information about the black boxes that have been sent from client computers and statistics about the performance and usage of client computers and software applications on client computers”).

**Per claims 20 and 60:**

- editing bug related information using said at least one bug tracking related menu (col. 15, lines 40-64 “system... export any data or information about a software bug to the

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bug tracking... database... being used by the developer... reconfigure the data... to client nub").

*Claims 61,62* are the system claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

*Claims 63-69* are the system claim corresponding to method claims 2-8, respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-8, respectively above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

*Claims 75-77* are the system claim corresponding to method claims 14-16, respectively, and rejected under the same rational set forth in connection with the rejection of claims 14-16, respectively above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

*Claim 80* is the system claim corresponding to method claim 20 and rejected under the same rational set forth in connection with the rejection of claim 20 above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

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whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9-13, 30-34, 49-53 and 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer in view of US Publication No. 2001/0049697 to Johndrew et al., hereinafter called Johndrew.

**Per claims 9-13, 30-34, and 49-53:**

The rejection of claims 8, 28, and 41 is incorporated, respectively, and further, Othmer does not explicitly disclose wherein said sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug.

However, Johndrew discloses in an analogous computer system sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug (page 3 and 4, paragraph 46 "FIG. 7 shows the data collected by the process of FIG. 6. Bug ID screen 700 includes the query component selection index 310, a bug identifier header 705, a bug headline 710 and a release table 715. Bug identifier header 705 gives the bug identifier associated with the information on the screen... Bug headline 710 contains a short one line description of the bug... Column 725 indicates the status of the bug... Column 730 contains the date and time that software fixing the bug").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of sorting/identifying bugs based on unique identifiers as taught by Johndrew into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to sort the bugs to provide complete bugs free software application to client as suggested by Johndrew (page 1, paragraph 10).



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*Claims 70-74* are the system claim corresponding to method claims 9-13, respectively, and rejected under the same rationale set forth in connection with the rejection of claims 9-13, respectively above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

9. Claims 17, 38, 57, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer, in view of **admitted prior art**.

**Per claims 17, 38, and 57:**

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer does not explicitly disclose attaching to a bug description a digitized video file for visually displaying at least one screen display showing an identified bug.

However, **admitted prior art** discloses attaching to a bug description a digitized video file for visually displaying at least one screen display showing an identified bug (Applicant's specification, page 2, lines 9-11 "tester... associate a tester recorded sequence of game screen displays to provide a visual depiction of the error sequence")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of displaying a digitized video file for visually displaying as taught in **admitted prior art** into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to display the bug information which is would be for video game to have

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better understanding of the bugs found during testing as suggested in admitted prior art (pages 3, lines 4-12).

*Claim 78* is the system claim corresponding to method claim 17 and rejected under the same rational set forth in connection with the rejection of claim 17 above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

10. Claims 19, 40, 59, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer in view of US Patent No. 5,742,754 to Tse, hereinafter called Tse.

**Per claims 19, 40, and 59:**

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer does not explicitly disclose accessing a test plan identifying a plurality of tests to be performed with respect to an identified software package.

However, Tse discloses in an analogous computer system accessing a test plan identifying a plurality of tests to be performed with respect to an identified software package (col. 4, lines 30-35 "where the user defines a software product for testing, a proper test suite, and a plurality of different computer hardware configurations for a software testing "job." The software product being tested may be any user provided software product").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of using test plan /suite to test software application as taught by Tse into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be

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motivated to test the software application using test plan to verify the software is functioning as expected as suggested by Tse (col. 2, lines 43-59).

*Claim 79* is the system claim corresponding to method claim 19 and rejected under the same rational set forth in connection with the rejection of claim 19 above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

### ***Response to Arguments***

1. Applicant's had no arguments with respect to claims. Therefore, no response given in this office action.

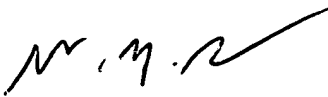
### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is (571) 272-3732.

The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
**WEI Y. ZHEN**  
**PRIMARY EXAMINER**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria  
Patent Examiner  
Art Unit 2191  
05/02/2005